

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-CR-501-D

UNITED STATES OF AMERICA

v.

ANTHONY HARRIS,

Defendant.

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**ORDER**  
**(Under Seal)**


On October 20, 2020, the court sentenced Anthony Harris (“Harris”) to 84 months’ imprisonment. See [D.E. 62, 63, 64]. Harris did not appeal.

On January 4, 2021, Harris moved for a sentence reduction based on his cooperation [D.E. 65]. On April 2, 2021, the government responded in opposition [D.E. 72]. On August 18, 2021, Harris supplemented his motion [D.E. 75].

Harris’s plea agreement states that the government “is not promising to move for departure pursuant to U.S.S.G. § 5K1.1, 18 U.S.C. § 3553(e), or Fed. R. Crim. P. 35.” Plea Ag. [D.E. 37] ¶ 4(d). The government has not filed a motion seeking a reduction in Harris’s sentence based on his cooperation, and Harris’s judgment is final.

The court construes Harris’s motions [D.E. 65, 75] as seeking relief under 28 U.S.C. §2255, and DISMISSES them as precluded by his plea agreement or procedurally defaulted. See [D.E. 72] 3–11. Alternatively, the court DENIES the motions for failure to state a claim upon which relief can be granted. See id. at 11–13. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 1 day of September, 2021.

  
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JAMES C. DEVER III  
United States District Judge